

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

JOHN REYNA,

Plaintiffs,

vs.

GUSTAVESON, et al.,

Defendants.

1:20-cv-01315-AWI-GSA-PC

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS IN FULL
(ECF No. 9.)**

**ORDER FOR THIS CASE TO PROCEED
ONLY WITH PLAINTIFF'S MEDICAL
CLAIM AGAINST DEFENDANT DR.
GUSTAVESON**

**ORDER DISMISSING ALL OTHER
CLAIMS AND DEFENDANTS**

John Reyna ("Plaintiff") is a Kings County Jail inmate proceeding *pro se* and *in forma pauperis* with this civil rights action pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On March 10, 2022, the Court entered Findings and Recommendations, recommending that this action proceed only against defendant Dr. Gustaveson on Plaintiff's medical claim, and that all other claims and defendants be dismissed from this action based on Plaintiff's failure to state a claim. (ECF No. 9.) Plaintiff was provided an opportunity to file objections to the Findings and Recommendations within fourteen days. The fourteen-day time period has passed, and Plaintiff has not filed objections or otherwise responded to the Findings and Recommendations.

In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(B) and Local Rule 304, this Court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, the Court finds the Findings and Recommendations to be supported by the record and proper analysis.

Accordingly, **THE COURT HEREBY ORDERS** that:

1. The Findings and Recommendations issued by the Magistrate Judge on March 10, 2022, are ADOPTED in full;
2. This action now proceeds with Plaintiff's original Complaint, filed on September 14, 2020, against defendant Dr. Gustaveson on Plaintiff's medical claim under the Eighth Amendment;
3. All remaining claims and defendants are DISMISSED from this action;
4. Defendants Kings County Jail and Kings County are dismissed from this action based on Plaintiff's failure to state any claims against them upon which relief may be granted;
5. Plaintiff's claims for retaliation under the First Amendment and negligence are dismissed from this action based on Plaintiff's failure to state any claims upon which relief may be granted;
6. The Clerk is DIRECTED to reflect the dismissal of defendant Kings County Jail from this action on the Court's docket; and
7. This case is referred back to the Magistrate Judge for all further proceedings, including initiation of service of process.

IT IS SO ORDERED.

Dated: June 10, 2022

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SENIOR DISTRICT JUDGE